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| EXAMINER | | | | |
| ING, MATTHEW W | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,852

Applicant(s)

REINEKE, ANDREAS

Examiner

MATTHEW W. ING

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings filed 7/27/09 have not been entered because Fig. 2, as amended, constitute(s) new matter. It is noted that, although the written description mentions an inside of a casing, a casing wall, & a component, the particular configuration of a casing, casing wall, & component in Fig. 2, as amended, is not necessarily implied by the written description as originally filed. Alternate configurations are possible; for example, a casing wall & component having different sizes or locations. As such, the particular configuration shown in Fig. 2 as amended is considered to constitute new matter.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inside of the casing (claim 1), a casing wall (claim 11), & a component to be cooled (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The amendment filed 7/27/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Fig. 2, as amended, as well as the proposed amendment to the paragraph beginning at page 4, line 14. It is noted that, although the written description mentions an inside of a casing, a casing wall, & a component, the particular configuration of a casing, casing wall, & component in Fig. 2, as amended, is not necessarily implied by the written description as originally filed. Alternate configurations are possible; for example, a casing wall & component having different sizes or locations. As such, the particular configuration shown in Fig. 2 as amended, and described in the aforementioned amended paragraph is considered to constitute new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 13 fail(s) to recite sufficient structural elements and interconnection of the elements to positively position and define the structure(s) & component(s) whereby "a direct

supply of air can be achieved over a short path from one casing wall to an opposite casing wall whereon a component to be cooled is disposed", so that an integral structure able to function as claimed is recited.

Claim Rejections - 35 USC § 103

6. Claims 1-3, 5-8, 10, & 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0141154) in view of Alba (6,267,422). Huang teach(es) the structure substantially as claimed, including a casing of an electrical appliance, having the following features: a) at least one casing wall (11) a recess (Fig. 1) integrally formed therein, said recess facing an inside of the casing, b) the recess (Fig. 1) is constructed with at least one ventilation opening; said recess being covered by a cover (12) on the outside at least in the area of the ventilation opening and the cover is affixed (via fixing means 18) to a portion of said casing wall forming a bottom of the recess. The only difference between Huang and the invention as claimed is that Huang fail(s) to teach a cover detachably affixed. Alba, however, teaches detachable fixing means (18); it is noted that the threading & head of the fixing means (18) render said fixing means reversible & therefore detachable. It would have been obvious to one of ordinary skill in the art to substitute fixing means, as taught by Alba, for those of Huang, since the results of substituting one known fixing means for another would have been predictable; thereby providing the structure substantially as claimed.
7. Regarding claim 2, Huang teaches a casing wall (11) and the cover (12) forming a substantially flush surface.
8. Regarding claim 3, Huang teaches a circumferential slit between cover (12) and wall (11). Whereas the cover (12) is clearly rotatable relative to the wall, it is therefore reasonable to

conclude that said cover is not friction-fit to said wall; and that as such, at least some spacing exists between all sides of said cover & said wall. Alternately, even assuming, *arguendo*, that this is not the case; whereas Huang teaches a cover (12) obviously rotatable relative to a wall (11), it is therefore reasonable to conclude that said cover is not friction-fit to said wall; and that as such, at least some spacing exists between at least some (e.g., top & bottom) sides of said cover & wall. It would have been obvious to one of ordinary skill in the art to include spacing, as taught by Huang, on all sides of the cover thereof, in order to reduce friction between said cover & wall, thereby increasing user convenience by rendering said cover more easily movable relative to said wall; thereby providing the structure substantially as claimed.

9. Regarding claims 5 & 12, Huang teaches a cover (12) having at least one cross-piece (34) which can be inserted into a corresponding fixing opening (i.e., opening in 11 closed by 12) of the recess (Fig. 1).

10. Regarding claim 6, whereas Huang teaches a cover (12); and whereas the examiner takes official notice that the practice of varying the shape of a cover well known in the art; it therefore would have been an obvious design consideration to one of ordinary skill in the art to modify the cover of Huang, by said cover circular, depending on the desired needs of the person constructing the cover (e.g., intended use of the cover, aesthetic considerations, compactness, ease of manufacture, etc.), thereby providing the structure substantially as claimed.

11. Regarding claims 7-8 & 10, Huang teaches a cover (12) that is air-permeable (via 14) & arranged as an air filter (since ribs between 14 are capable of intercepting particulate matter); as well as a recess (Fig. 1) comprising a plurality of ventilation openings (Fig. 1).

12. Regarding claim 13, whereas, as noted above, applicant fails to recite any additional structure whereby said recess is rendered capable of achieving a "direct supply of air", it is therefore reasonable to conclude that any structure including a recess & cover, such as that of Huang as modified, is obviously capable of performing this function; and that, as such, the structure of Huang as modified therefore reads upon the limitations of this claim.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0141154) & Alba (6,267,422) as applied to the claim(s) above, further in view of Paterson (5,547,272). Huang & Alba teach(es) the structure substantially as claimed, including a cover (12). The only difference between Huang & Alba and the invention as claimed is that Huang & Alba fail(s) to teach a cover consisting of plastic. Paterson, however, teaches a cover consisting of plastic (col. 2, lines 51-52). It would have been obvious to one of ordinary skill in the art to make the cover of Huang as modified from plastic, as taught by Paterson, in order to reduce the weight & increase the corrosion resistance thereof, thereby providing the structure substantially as claimed.

14. Claims 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (2002/0141154) & Alba (6,267,422) as applied to the claim(s) above, further in view of Wang (6,064,570). Huang & Alba teach(es) the structure substantially as claimed, including a casing wall (Fig. 1). The only difference between Huang & Alba and the invention as claimed is that Huang & Alba fail(s) to teach disposing a component to be cooled is on a casing wall opposite to the recess. Wang, however, teaches a component (40, 42, 44) to be cooled is on a casing wall (16) opposite to a recess (30). It would have been obvious to one of ordinary skill in the art to include a component, as taught by Wang, upon the casing wall of Huang & Alba in order to

endow said casing with computer processing capability; and in order to cool said processor (as suggested by Wang), thereby providing the structure substantially as claimed.

15. Regarding claim 13, Wang teaches a component (40, 42, 44) positioned such that a direct supply of air can be achieved over a short path from one casing wall (upon which 30 is located) to an opposite casing wall (16) whereon said component to be cooled is disposed.

Response to Arguments

16. Applicant's arguments filed 7/27/09 have been fully considered but they are not persuasive.

17. Applicant's arguments with respect to claims 1-3 & 5-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI
29 September 2009
/José V. Chen/
Primary Examiner, Art Unit 3637